

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SWORDPEN.COM, INC.

Plaintiff,

- against -

HENRY HOLT AND COMPANY, LLC,
KAREN J. KATZ, and JOHN and/or JANE
DOES 1-10,

Defendants.

07 Civ. 10955 (KMK)

NOTICE OF MOTION TO DISMISS
THE COMPLAINT OR, IN THE
ALTERNATIVE, FOR SUMMARY
JUDGMENT

PLEASE TAKE NOTICE that, upon the annexed affidavit of Robert D. Balin, dated May 5, 2008, together with the exhibits thereto, the Memorandum of Law in Support of Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment, and all prior pleadings and proceedings heretofore had herein, defendants Henry Holt and Company, LLC and Karen J. Katz ("Defendants"), by their undersigned attorneys, will move this Court before the Honorable Kenneth M. Karas, United States District Judge, in Courtroom 521 of the United States Courthouse, 300 Quarropas Street, White Plains, New York, on a date and time to be set by the Court, for an order dismissing the Complaint, pursuant to Fed. R. Civ. P. 12(b)(6), or, in the alternative, granting summary judgment in Defendants' favor pursuant to Fed. R. Civ. P. 56.

Dated: New York, New York
May 5, 2008

DAVIS WRIGHT TREMAINE LLP

By:

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*Attorneys for Defendants Henry Holt and
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